

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ADAM DANIELS, §
Petitioner, §
§
v. § CIVIL ACTION NO: H-05-3801
§
DOUG DRETKE, §
Director of the Texas Department §
of Criminal Justice - Correctional §
Institutions Division, §
Respondent. §

ORDER TO RESPOND

1. On a preliminary examination of the application for a writ of habeas corpus, the court has decided not to dismiss it summarily.
2. The court construes petitioner's filing of his prisoner trust fund account showing a zero balance as a motion to proceed *in forma pauperis*. That motion (Dkt. 3) is granted.
3. The clerk will send copies of the application and this order by certified mail to (a) Douglas Dretke, Post Office Box 99, Huntsville, Texas 77342-0099, and (b) Habeas Corpus Division, Attorney General of Texas, Post Office Box 12548, Austin, Texas 78711-2548.
4. The respondent must move for dismissal or summary judgment or otherwise respond within 60 days from this order.
5. The respondent's motion must contain:
 - The authority for holding the petitioner, including the court, case number, style, offense and sentence;
 - Specific factual responses to each factual allegation;
 - Whether the petitioner has exhausted his state remedies; and

- A list of the transcripts—pretrial, trial, plea, sentencing, and post-conviction proceedings—and a list of proceedings that have been recorded but not transcribed.

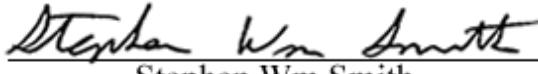
6. The respondent's motion must be accompanied by these documents for each conviction being attacked:

- Indictment, judgment of conviction and sentence, and order for holding the petitioner;
- Petitioner's brief on appeal, judgment on appeal, statement of facts, opinion on appeal (or a reference to its publication);
- Petitioner's application for collateral relief, answers, and judgments on it;
- Transcript selections useful for the resolution of this action;

7. A party must mail the other party a copy of every paper sent to court, which must include a certificate of the date it was mailed and to whom. If a party does not send a copy exactly as he certifies, the court may strike the paper from the record.

8. Do not write letters to the judge. All communications must be delivered to the clerk with a full caption and with copies sent to the other party. *See* Rules 5(a) and 11 of the Federal Rules of Civil Procedure.

Signed at Houston, Texas on January 12, 2006.


Stephen Wm Smith
United States Magistrate Judge